

RULE 212

Standards For Approving Permits

- (a) The Executive Officer or designee shall deny a Permit to Construct or a Permit to Operate, except as provided in Rule 204, unless the applicant shows that the equipment, the use of which may cause the issuance of air contaminants or the use of which may eliminate, reduce, or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting air contaminants in violation of Section 41700, 41701, or 44300 (et sec.) of the State Health and Safety Code or of these rules.
- (b) If the Executive Officer or designee finds that the equipment has not been constructed in accordance with the permit and provides less effective air pollution control than the equipment specified in the Permit to Construct, he shall deny the Permit to Operate.
- (c) Prior to granting a Permit to Construct for a significant project, all addresses within the area described in section (d) shall be notified of the Executive Officer's or designee's intent to grant a Permit to Construct at least 30 days prior to the date action is to be taken on the application. For the purpose of this rule, significant projects will consist of:
 - (1) all new or modified permit units that may emit air contaminants located within 1000 feet from the outer boundary of a school. This subdivision shall not apply to modification of an existing facility if the Executive Officer or designee determines that the modification will result in a reduction of emissions of air contaminants from the facility and no increase in health risk at any receptor location. This paragraph shall not apply to modifications that have no potential to affect emissions;
 - (2) all new or modified facilities which have on-site emission increases exceeding any of the daily maximums specified in subdivision (g) of this rule; and
 - (3) all new or modified permit units with increases in emissions of toxic air contaminants, for which the Executive Officer or designee has made a determination that a person may be exposed to an individual cancer risk greater than, or equal to, one in a million (1×10^{-6}) during a lifetime (70 years) period, or may be exposed to quantities or concentrations of other substances that pose a potential risk of nuisance. Toxic and potentially toxic air contaminants are substances listed in Table I of Rule 1401, or any other material determined by the Executive Officer or designee to be potentially toxic. This paragraph shall not apply if the Executive Officer or designee determines that modifications to the existing facility will not result in an increase in health risk at any receptor location.

- (d) Except as provided for in subdivision (g), the notification of the proposed construction of a significant project, which is to be prepared by the District, is to contain sufficient detail to fully describe the project. The applicant shall provide verification to the Executive Officer or designee that public notice has been distributed as required by this subdivision. In the case of notifications performed under paragraphs (c)(2) and (c)(3), the applicant for the Permit to Construct shall be responsible for the distribution of the public notice to each address within a 1/4 mile radius of the project or such other area as determined appropriate by the Executive Officer or designee. In the case of notifications performed under paragraph (c)(1), distribution of the public notice shall be to the parents of children in any school within 1/4 mile of the facility and the applicant shall provide distribution of the public notice to each address within a radius of 750 feet from the outer property line of the proposed new or modified facility.
- (e) Any person may file a written request for notice of any decision or action pertaining to the issuance of a Permit to Construct. The Executive Officer or designee shall provide mailed notice of such decision or action to any person who has filed a written request for notification. Requests for notice shall be filed pursuant to procedures established by the Executive Officer or designee. The notice shall be mailed at the time that the Executive Officer or designee notifies the permit applicant of the decision or action. The 10-day period to appeal, specified in Rule 216(b), shall commence on the third day following mailing of the notice pursuant to this subdivision. The requirements for public notice pursuant to this subdivision are fulfilled if the Executive Officer makes a good faith effort to follow procedures established pursuant to this subdivision for giving notice and, in such circumstances, failure of any person to receive the notice shall not affect the validity of any permit subsequently issued by the Executive Officer or designee.
- (f) An application for a Permit to Operate, for a permit unit installed or constructed without a required Permit to Construct, shall be subject to the requirements of this rule.
- (g) For new or modified sources subject to Regulation XIII, RECLAIM facilities, or Outer Continental Shelf (OCS) facilities located within 25 miles of the State's seaward boundary and for which the District has been designated as the corresponding onshore area (COA), which undergo construction or modifications resulting in an emissions increase exceeding any of the daily maximums specified as follows:

<u>Air Contaminant</u>	<u>Daily Maximum in lbs per Day</u>
Volatile Organic Compounds	30
Nitrogen Oxides	40
PM ₁₀	30
Sulfur Dioxide	60
Carbon Monoxide	220
Lead	3

the process for public notification and comment shall include all of the applicable provisions of 40 Code of Federal Regulations (CFR) Part 51, Section 51.161(b), and 40 CFR Part 124, Section 124.10. The federal public notice and comment procedures for these facilities require that the public notice be distributed to the broadest possible scope of interested parties, and include at a minimum:

- (1) Availability of information submitted by the owner or operator and of District analyses of the effect on air quality for public inspection in at least one location in the area affected;
- (2) Notice by prominent advertisement in the area affected of the location of the source information and the District's analyses of the effect on air quality;
- (3) Mailing a copy of the notice required in paragraph (2) to the following persons: The applicant, the Administrator of U. S. EPA through Region 9, the Air Resources Board, affected local air pollution control districts, the chief executives of the city and county or the onshore area that is geographically closest to where the major stationary source or major modification would be located, any comprehensive regional land use planning agency, and State, Federal Land Manager, or Indian Governing Body whose lands may be affected by emissions from the regulated activity;
- (4) A 30-day period for submittal of public comments.

[SIP: Approved 2/4/96, 61 FR 64291, 40 CFR 52.220(c)(240)(i)(A)(1); Approved _____, _____, 40 CFR 52.220(c)(173)(i)(A)(1); Approved 11/9/78, 43 FR 52237, 40 CFR 52.220(c)(31)(vi)(c) and 52.220(c)(39)(iii)(B)]

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